

CUSTOMER NO.: 24498
Serial No.: 10/518,569
Office Action dated: 12/30/08
Response dated: 03/27/09

PATENT
PU020298

Amendments to the Drawings

The attached sheet of drawings includes changes to Fig. 3. This sheet, which includes Figs. 3-4, replaces the original sheet including Figs. 3-4. In Fig. 3, previously omitted labels to blocks 296 and 295 have been added.

Remarks/Arguments

Claims 1-11 remain pending in the application. Applicants have amended claims 1, 4-5, and 8-10 to clarify certain aspects of the claimed invention. No new matter is added.

Objection to Drawings

The Office Action contains an objection to the drawings, alleging that in FIG. 3, blocks 296 and 295 lack labels. Applicants have added labels to blocks 296 and 295 in compliance with 37 C.F.R. 1.121(d). Applicants respectfully request withdrawal of the objection to drawings.

Claim Rejections under 35 U.S.C. § 112

Claims 5 and 9 stand rejected because of allegedly vague claim language. Claims 4, 5, and 8 stand rejected because of allegedly indefinite claim language.

Applicants have amended claims 5 and 9 to clarify that the transitions “are separated by thirty-one intervening transitions, wherein said thirty-one intervening transitions are not indicative of said subsequent preamble of said serialized AES digital audio data.” Applicants have amended claims 4 and 8 to clarify “said fast clock pulse count is a count of fast clock pulses.”

The amendments to claims 4, 5, 8, and 9 render the claims in full compliance with 112. Accordingly, Applicants request withdrawal of the rejection to claims 4, 5, 8, and 9 under 35 U.S.C. 112.

Claim rejections under 35 U.S.C. § 101

Claims 1-8 stand rejected under 35 U.S.C. 101 as directed to non-statutory subject matter.

Applicants have amended claim 1 to clarify that the method is performed by a broadcast router. Therefore, claim 1 now meets the “machine” prong of the machine or transformation test mandated by the Court of Appeals for the Federal Circuit in the recently decided case *In Re Bilski*, 545 F. 3d 943, 953 (Fed Cir. 2008). As now amended

claim 1, and claims 2-8 that depend therefrom, recite statutory subject matter. Accordingly, Applicants request withdrawal of the 35 U.S.C. §101 rejection of claims 1-8.

Claim rejections under 35 U.S.C. § 102

Claims 1-3 stand rejected under 35 U.S.C. 102(b) as being anticipated by Adams (WO98/16040). In that regard, the examiner contends that the Adams published application teaches Applicants' feature of, "determining, by the broadcast router, a time separating said first and second transitions", as recited in claim 1. Applicants respectfully traverse the rejection.

At page 4, lines 26-27, the Adams published application discloses generating a clock signal for a biphase-mark encoded signal. At page 2, lines 17-18, Adams teaches that the biphase-mark encoding is self-clocking, i.e. every cell begins and ends with a transition. Further, the Adams publication teaches generation of the clock signal based on preamble signals in a biphase-mark encoded data signal. However, *generating* a clock signal based on preamble signals does not constitute the same step as "determining, by the broadcast router, a time separating first and second transitions" as recited in claim 1. Adams does not mention or even suggest determining a separation interval, as claimed by Applicants. Therefore, Applicants claim 1 patentably distinguishes over the Adams published application.

Claims 2 and 3 depend from independent claim 1 and incorporate by reference all of the features of their respective parent claim. Therefore, claims 2 and 3 patentably distinguish over the art of record for the same reason as claim 1. Applicants request withdrawal of the rejection to claims 1-3 under 35 U.S.C. 102(b).

Claim rejections under 35 U.S.C. § 103

Claim 4 stands rejected under 35 U.S.C. 103(a) as unpatentable over Adams, whereas claims 6-8 stand rejected under 35 U.S.C. 103(a) as unpatentable over Adams in view of Lyle (US 7,295,578). Claims 10 and 11 stand rejected under 35 U.S.C. 103(a) as

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unpatentable over Scott (US 6,654,409) in view of Adams. Applicants respectfully traverse the rejections to these claims.

Independent claim 10 recites an apparatus having for performing the method of claim 1. Applicants have amended Claim 10 in a manner similar to claim 1 to clarify the separation of time information from the stream of serialized AES digital audio data.

In rejecting Applicants' claims, the examiner relies on the Scott patent, which, at col. 15, lines 24-36, teaches a clock recovery circuit within an isolation system for terminating a phone line. A decoder section within the clock recovery circuit separates time-division multiplexed (TDM) data and control information. Other circuitry receives the digital control output, including a synchronous data signal. However, neither Scott, nor Adams, separately or in combination, discloses a decoder circuit extracting time information from said stream of serialized AES digital audio data during decoding. Further, neither reference nor their combination teach that such extracted time information depends on determining a time separating a first transition, indicative of a first preamble of said stream of serialized AES digital audio data, and a second transition, indicative of a second preamble of said stream of serialized AES digital audio data, as recited in claim 10.

According, Applicants submit that Claim 10 patentably distinguishes over the combination of Scott and Adams. Claim 11 depends from claim 10 and thus incorporates by reference the features of claim 10. Therefore, claim 11 patentably distinguishes over the combination of Adams and Scott for the same reasons as claim 10.

Claims 4 and 6-8 depend from allowable claim 1. Thus Claims 4 and 6-8 incorporate by reference the features of claim 1 and patentably distinguish over the art of record for the same reasons as given earlier for the allowability of that claim.

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Conclusion

In view of the foregoing, Applicants solicit entry of this amendment and allowance of the claims. If the Examiner cannot take such action, the Examiner should contact the Applicants' attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic interview.

No fees are believed due with regard to this Amendment. However, if there is a fee, please charge the fee or credit any overpayment to Deposit Account No. **07-0832**.

Respectfully submitted,
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RBL:pdf

Attachment – Replacement Sheet 3 of 4

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